

### REMARKS

Claims 1 – 22 remain in the application and are amended herein. Although this preliminary amendment is being filed with all requisite fees, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 50-3818.

The specification is amended to remove a redundancy. No new matter is added. Entry of the amendment to the specification is respectfully requested.

The MPEP provides in pertinent part “the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” MPEP §2164.04 (emphasis original).

Claims 1 – 22 were finally rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,014,689 to Budge et al. in view of published U.S. Application Patent number 2005/0246752 A1 to Liwerant et al, alone, or further in combination with published U.S. Application Patent number 2005/0144284 A1 to Ludwig et al.

Claims 1 – 22 are amended to better recite the invention, wherein video is integrated with, not just includable with, e-mail. Thus, the claims indicate that when the video clips are collected, they are being collected for use as, and are presented as, e-mail attachments. Thus, claims 1 – 3 are amended in line with the steps shown in Figures 6 and 7 and described on page 3, lines 2 – 5 and page 7, line 20 – page 8, line 17.

Claims 4 – 22 are amended to reflect the Web Access device 112, taking those steps and further, that starting recording streaming video initiates a video e-mail. This is described in detail with reference to figures 1 – 5 and supported at page 2, line 27 – page 7, line 19. “In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until” signaled to stop. Page 3, lines 1 – 5; and page 5, lines 1 – 13. “Once the clip is stored, the Web Access Device processor 114 activates the e-mail program and opens the e-mail window 118.” Id, lines 14 – 18. No new matter is added. The applicant believes that the claims, as amended, are not taught, suggested or made obvious by any reference of record. Independent consideration and allowance of claims 1 – 22, as amended, is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests consideration of claims 1 – 22, as amended, and allowance of the application to issue.

The applicant notes that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicant continues to believe that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

Date: Thursday, March 12, 2009

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